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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/750,166	12/31/2003	Udi Manber	121908	5005
26389	7590	04/19/2006		
CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC 1420 FIFTH AVENUE SUITE 2800 SEATTLE, WA 98101-2347			EXAMINER DESIRE, GREGORY M	
			ART UNIT 2624	PAPER NUMBER

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/750,166	MANBER ET AL	
	Examiner	Art Unit	
	Gregory M. Desire	2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 30 January 2006.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-28 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) 1-11 and 18-20 is/are allowed.
 6) Claim(s) 12-17 and 21-28 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 31 December 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/31/06</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to communication filed 1/30/06.

Response to Arguments

2. Applicant argues (remarks page 10 lines 11-12) Consumer reports online website does not enable a user to access to page images of a particular text base on the user's ownership of the physical text. This argument is not persuasive because it is the position of the examiner that consumer reports online do teach the claim invention. Examiner interprets, there is an instance that based on user ownership user receive special access to page images, this special access is at a discount rate. Thus, this instance reads on the claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 12-13 and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by Consumer Reports (archive website www.consumerreports.org archived on 12/02/2000 by the Way Back Machine at www.archive.org.)

Regarding method claims 12 and 22 Consumer reports discloses,

Receiving a request for access to one or more electronic images of a physical text in which the request identifies the user submitting the request (page 1 shows subscribing to consumer reports online, online magazine is an electronic image).

Confirming user access of the physical text based on the user identity (consumer reports subscriber is confirmed by billing and subscription information and 22 digit code on mailing label).

Consulting one or more access rule that define an amount of content in electronic images of the physical text that can be provided to user based on the user's ownership of the physical text (input digit code (an access rule) defines all information of consumer reports online of consumer reports magazine can be provided based on subscription of the magazine); and

Providing user access to one or more electronic images of the physical text in accordance with the one or more access rules (page 3 immediate access is provided to reports online based on subscription of the magazine an entering digit code

Regarding claim 13 Consumer Reports discloses,

Acquiring images comprises scanning printed pages of a physical text (note page 4, examiner interprets online access to an issue is based on the acquiring images comprising scanning printed pages of physical text).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14-17, 21 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Consumer reports in view of Sachs

Consumer reports are silent disclosing,

Providing access to a user-personalized library of electronic content and automatically including the provided electronic images of the physical text in the user's personalized library for later access. Sachs discloses providing access to a user-personalized library of electronic content (Sachs col. 5 lines 40-47, provides access to electronic bookshelf of electronic content) and automatically including the provided electronic images of the physical text in the user's personalized library for later access (col. Sachs 5 lines 59-61, content in personal library is stored and retrieved). Consumer reports and Sachs are combinable because they disclose electronic images. At the time of the invention, it would have been obvious to a person of ordinary skill in the art to include user-personalize library of electronic content in the system of Consumer Reports as evidenced by Sachs. The suggestion/motivation for doing so would have been archiving electronic images (note col. 5 lines 59-61). Therefore, it would have been obvious to combine Consumer Reports and Sachs to obtain the invention as specified in the claims.

Regarding claims 14 and 26 Consumer reports and Sachs discloses,

Receiving from the user an image a page from the physical text (note Sachs col. 3 lines 30-35, similar to physical text).

Regarding method claims 15 Consumer reports and Sachs discloses,

Wherein automatically including the provided electronic images in the user's personalized library comprises storing a link in the user's personalized library, in which accessing the link provides access to the images in a centralized database of images (note Sachs col. 5 lines 49-58, URL link stores content both personalized and centralized library).

Regarding method claims 16 Consumer reports and Sachs discloses,

Setting a flag associated with images in the user's personalized library to indicate that user ownership of the physical text has been confirmed (note Sachs col. 6 lines 1-25, examiner interprets the encrypted tag as flags user ownership is confirmed).

Regarding claims 17 and 25 Consumer reports and Sachs discloses,

Confirming user ownership comprises receiving form the user a receipt evidencing purchase of the physical text (note Sachs col. 6 line 16-25, order ID confirms the text has been paid).

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Regarding claims 21 and 23 Consumer reports and Sachs discloses,

Wherein confirming user ownership comprises reviewing purchase information pertaining to the user and determining whether the user has purchased the physical texts (note Sachs col. 6 lines 1-25, user order reviews purchase information, price paid shows user purchased physical texts).

Regarding claims 24 and 28 Consumer reports and Sachs discloses,

Communicating with a third party regarding purchase information of the user (note Sachs, col. 6 lines 25-30, third party for revenue).

Regarding claim 27 Consumer reports and Sachs discloses,

Wherein the user's ownership of the physical works entitles the user to access the electronic version of the entire physical work (page 3 consumer report website).

Allowable Subject Matter

5. Claims 1-11 and 18-20 are allowed.
6. The following is an examiner's statement of reasons for allowance for independent claims 1 and 18. The prior art fails to teach access to electronic image base on ownership of physical text. Wherein the defined amount of content for users who own the physical text is greater than an amount of content that may otherwise is provided to users who do not own the physical text. These features in combination with

other features are not taught in the prior art. Claims 2-11 and 19-20 depend on claims 1 and 18 respectively. Therefore are also allowable

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory M. Desire whose telephone number is (571) 272-7449. The examiner can normally be reached on M-F (6:30-3:00).

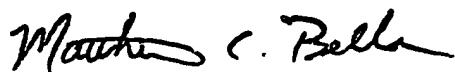
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on (571) 272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory M. Desire
Examiner
Art Unit 2624

G.D.

April 15, 2006



MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
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